

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|                          |   |                             |
|--------------------------|---|-----------------------------|
| LUISA GUTTI BROWN,       | : |                             |
|                          | : |                             |
| Plaintiff,               | : | 07 Civ. 1345 (LMM)          |
|                          | : |                             |
| - against -              | : | <u>MEMORANDUM AND ORDER</u> |
|                          | : |                             |
| SYDNEY COLEMAN, M.D.,    | : |                             |
| KENNETH WEMM, M.D. and   | : |                             |
| TRIBECA PLASTIC SURGERY, | : |                             |
|                          | : |                             |
| Defendants.              | : |                             |

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McKENNA, D.J.,

By letter dated February 23, 2010, counsel for defendant Coleman has suggested that there are unresolved matters to be resolved before trial.

Plaintiff had objected to a ruling on a discovery matter by Judge Ellis. (See Document # 58, Judge Ellis' Memorandum Opinion and Order of September 8, 2009, and Document # 61, plaintiff's objection thereto.) Plaintiff, in addition to objecting, moved for reconsideration by Judge Ellis. (See Document # 62.) After considering plaintiff's arguments, Judge Ellis denied reconsideration. (See Document # 70.) Plaintiff has not filed an objection to Judge Ellis' denial of reconsideration, and the time to do so has expired. The Court does not believe that, in these circumstances, any further action by the Court is required, nor has plaintiff argued that the objection remains to be dealt with. In

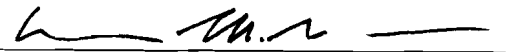
any event, plaintiff's objection to Judge Ellis' Memorandum Opinion and Order of September 8, 2009 is overruled, and that order is affirmed, because plaintiff has not shown that the order was clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

Defendant Coleman's counsel also points to defendant Wemm's motion for summary judgment. That motion is decided in a Memorandum and Order of even date herewith.

Defendant Coleman's counsel also States that he wishes to file a motion for summary judgment on behalf of Dr. Coleman. Any such motion is to be filed not later than March 15, 2010.

SO ORDERED.

Dated: March 4, 2010

  
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Lawrence M. McKenna  
U.S.D.J.